

Applicant respectfully traverses the §102 rejections as the cited '300 reference does not teach or disclose all aspects of the claimed invention. Moreover, the Office Action has not even attempted to correspond the claimed aspects with any specific teachings in the cited '300 reference. For example, Applicant fails to see where the '300 reference teaches viewing the color of more than one item at a time on line, display of an "image of a colored structure . . .", the image of "the colored article . . .", both the colored structure and article being selected by the viewer on line, and the comparison of their respective color codes as claimed. Applicant submits that no correspondence has been provided by the Office Action and requests that the rejections be withdrawn.

With respect to the §103 rejections, Applicant respectfully traverses. The §103 rejections rely on the '300 reference, which as discussed above, does not correspond to the instant invention. The supplemental references do not overcome the above-noted deficiencies of the '300 reference. Applicant incorporates the discussion of the '400 reference per the discussion in the previous Office Action filed on September 21, 2001. Without such correspondence, the §103 rejections cannot be maintained, and Applicant requests that the rejections be withdrawn.

Applicant further submits that the Office Action fails to present motivation in support of the modification of the '300 reference with the '400 reference. Evidence has not been provided of any teaching or suggestion for using the '300 reference in connection with viewing more than one item, as claimed in the instant invention, or for modifying the reference to achieve the claimed limitations. Recent case law indicates that evidence of motivation must be specifically identified and shown by some objective teaching in the prior art leading to the modification. "Our court has provided [that the] motivation to combine may be found explicitly or implicitly: 1) in the *prior art references* themselves; 2) in the knowledge of those of ordinary skill in the art that certain *references*, or disclosures in those references, are of special interest or importance in the field; or 3) from the nature of the problem to be solved, 'leading inventors to look to *references* relating to possible solutions to that problem.'" Ruiz v. A.B. Chance Co., (Fed. Cir., December 6, 2000). The Office Action fails to identify any evidence of why one skilled in the art would be led to modify the '300 reference, and does not provide any

evidence of factual teachings, suggestions or incentives from the prior art that lead to the proposed modification. Applicant requests that the rejections be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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Dated: September 24, 2002

By: 

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Reg. No. 32,122